

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, JANUARY 18, 2006**

ONE HUNDRED THIRTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, January 18, 2006, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 288**-Representatives Wagoner, Combs, Cassell, Latta, Stewart, J., Hartnett, Garrison, Coley, Collier, DeGeeter, Distel, Dolan, Domenick, Flowers, Gibbs, Hood, Hughes, Martin, McGregor, J., Reidelbach, Seitz, Willamowski.

To amend sections 317.08, 1509.35, 1509.38, and 5301.56 of the Revised Code to revise the statute governing the vesting of abandoned mineral rights and to allow the chairperson of the Oil and Gas Commission to appoint temporary members to the Commission from the Technical Advisory Council on Oil and Gas when a quorum of the Commission cannot be obtained.

To the Committee on Energy and Public Utilities.

**Am. Sub. H. B. No. 294**-Representatives Kilbane, Miller, Seitz, Trakas, Latta, Wolpert, Evans, C., Reidelbach, Faber, Cassell, Kearns, Brown, Carano, Hartnett, Bocchieri, Perry, Healy, Buehrer, Mason, Willamowski, Oelslager, Allen, Barrett, Collier, DeGeeter, Dolan, Domenick, Gibbs, Harwood, Hughes, Koziura, Law, McGregor, J., Patton, T., Peterson, Sayre, Setzer, Smith, G., Stewart, D., Taylor, White, Yuko.

To enact sections 323.65, 323.66, 323.67, 323.68, 323.69, 323.70, 323.71, 323.72, 323.73, 323.74, and 323.75 of the Revised Code to provide an expedited foreclosure procedure for lands that have delinquent tax charges and are not occupied.

To the Committee on Ways and Means and Economic Development.

**H. B. No. 363**-Representatives Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier, Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, Evans, C., Flowers, Gibbs, Hartnett, Hughes, Redfern, Wagoner, Yuko.

To amend section 3375.49 of the Revised Code to allow the board of trustees of a law library association to elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library despite the otherwise applicable statutory payment requirements for that compensation.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 249**-Senator Cates.

To amend section 4503.03 of the Revised Code to allow the clerk of a court of common pleas in a county with a population greater than 40,000 to apply to the Registrar of Motor Vehicles to act under contract as a full authority deputy registrar.

To the Committee on Highways and Transportation.

**S. B. No. 250**-Senator Cates.

To amend sections 5901.02 and 5901.03 and to repeal section 5901.021 of the Revised Code and to repeal Section 35 of Am. Sub. S.B. 261 of the 124th General Assembly to terminate certain boards of county commissioners' power to appoint additional members to the veterans service commission in their county.

To the Committee on Finance and Financial Institutions.

**S. B. No. 251**-Senators Spada, Hagan.

To amend sections 127.16, 2921.13, 5110.01, 5110.02, 5110.03, 5110.05, 5110.08, 5110.09, 5110.12, 5110.13, 5110.14, 5110.15, 5110.16, 5110.17, 5110.18, 5110.19, 5110.21, 5110.23, 5110.26, 5110.27, 5110.29, 5110.32, 5110.33, 5110.35, 5110.352, 5110.353, 5110.354, 5110.39, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to enact section 5110.06 and new section 5110.11; and to repeal sections 5110.10, 5110.11, 5110.22, 5110.28, and 5110.351 of the Revised Code to modify the Ohio's Best Rx program.

To the Committee on Health, Human Services and Aging.

**S. B. No. 252**-Senators Padgett, Jordan, Amstutz, Austria, Carey, Cates, Clancy, Coughlin, Dann, Gardner, Grendell, Hottinger, Jacobson, Mumper, Niehaus, Schuler, Schuring, Wachtmann, Wilson.

To amend sections 109.71, 109.731, 109.801, 311.41, 311.42, 1547.69, 2921.13, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1213, and 2923.16, to enact section 9.68, and to repeal section 109.542 of the Revised Code to revise the laws regarding licenses to carry a concealed handgun and the authority to carry a concealed handgun under such a license; to limit journalist access to information regarding persons who have such a license and who assert reasonable cause to fear a criminal attack; to provide exemptions from certain carrying of firearms-related offenses for persons in compliance with the Ohio Peace Officer Training Commission's firearms requalification program; to specifically provide a self-defense affirmative defense to discharge of a firearm while in or on a vessel or motor vehicle-related offenses; to clarify when a firearm is loaded for purposes of offenses relating to possession of a loaded firearm while in or on a vessel or motor vehicle and carrying concealed weapons; to provide that the sealing or expungement of a conviction or delinquent child record is an affirmative defense to falsification based on the failure to report the record on an application for a concealed handgun license; and to identify, as a general law and matter of statewide concern, the right of any person, except as provided in the Revised Code, to own, possess, purchase, otherwise acquire, transport, carry, sell, or otherwise transfer a firearm, firearm component, or ammunition.

To the Committee on Rules.

**S. B. No. 253**-Senators Dann, Fedor, Hagan.

To amend sections 3333.01, 3334.03, 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3350.01, 3352.01, 3354.05, 3354.25, 3356.01, 3357.05, 3358.03, 3359.01, 3360.01, 3361.01, and 3362.01 of the Revised Code to revise the qualifications for appointments to the Ohio Board of Regents, the Ohio Tuition Trust Authority, and the boards of trustees of public colleges and universities.

To the Committee on Education.

**S. B. No. 254**-Senators Goodman, Jacobson, Padgett, Armbruster, Schuring, Zurz, Dann.

To amend section 4719.06 and to enact section 4719.22 of the Revised Code to prohibit a telephone solicitor or salesperson, in relation to a telephone solicitation or a call subsequently arising from that solicitation, from failing to disclose the physical location where the call is originated or received.

To the Committee on Energy and Public Utilities.

YES - 5: J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, BILL HARRIS, JEFF JACOBSON.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **H. B. No. 296**-Representative Buehrer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Mumper, Carey, Grendell, Schuring.

YES - 8: CHARLES A. WILSON, JOHN A. CAREY, TIMOTHY J. GRENDALL, JOY PADGETT, JIM JORDAN, J. KIRK SCHURING, LARRY A. MUMPER, MARC DANN.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

**Glenn J. Abraham**, Independent, from Miamisburg, Montgomery County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning December 23, 2005 and ending at the close of business October 10, 2008.

**Ann Kathleen Burlew**, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Board of Psychology for a new term beginning November 4, 2005 and ending at the close of business October 5, 2010.

**Jose Camerino**, Democrat, from University Heights, Cuyahoga County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning December 23, 2005 and ending at the close of business October 10, 2008, replacing Julianne Serovich, whose term expired.

**David V. Daugherty**, Republican, from Mansfield, Richland County, Ohio, as a Member of the Rehabilitation Services Commission for a term beginning September 30, 2005 and ending at the close of business September 8, 2008, replacing David Miller, whose term expired.

**Dawn Gleason**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Board of Speech-Language Pathology and Audiology for a new term beginning November 14, 2005 and ending at the close of business September 26, 2008.

**Victoria E. White Kress**, Independent, from North Royalton, Cuyahoga County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning December 23, 2005 and ending at the close of business October 10, 2008, replacing Rose Quinones-DelValle, whose term expired.

**Jennifer L. Riesbeck-Lee**, Democrat, from Heath, Licking County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning December 23, 2005 and ending at the close of business October 10, 2008, replacing Gwendolyn DaCons-Taylor, whose term expired.

**Shannon McQuade**, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the State Auctioneers Commission for a term beginning August 12, 2005 and ending at the close of business October 9, 2007.

**William A. Mosier**, Independent, from Dayton, Montgomery County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning December 23, 2005 and ending at the close of business October 10, 2008.

**Larry Price**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Chiropractic Board for a term beginning November 18, 2005 and ending at the close of business October 2, 2009, replacing Dennis L. Wojtanowski, who resigned.

**Rhonda B. Riles**, Independent, from Mansfield, Richland County, Ohio, as a Member of the State Board of Optometry for a new term beginning November 14, 2005 and ending at the close of business September 25, 2010.

**Jacqueline Romer-Sensky**, Republican, from Westerville, Delaware County, Ohio, as a Member of the Rehabilitation Services Commission for a term beginning September 30, 2005 and ending at the close of business September 8, 2006, replacing Fred Alberini, who resigned.

**Mary Ann Sharkey**, Republican, from Huron, Erie County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning December 23, 2005 and ending at the close of business October 10, 2008.

**Richard E. Troup**, Democrat, from Lancaster, Fairfield County, Ohio, as a Member of the State Auctioneers Commission for a term beginning August 12, 2005 and ending at the close of business October 9, 2006.

**Earl L. Wiley**, Republican, from Cincinnati, Butler County, Ohio, as a Member of the State Chiropractic Board for a new term beginning November 18, 2005 and ending at the close of business October 2, 2009.

**Jane Z. Woodrow**, Democrat, from Athens, Athens County, Ohio, as a Member of the State Board of Psychology for a new term beginning November 4, 2005 and ending at the close of business October 5, 2010.

**Joseph V. Zielinski**, Democrat, from Swanton, Fulton County, Ohio, as a Member of the State Auctioneers Commission for a term beginning December 23, 2005 and ending at the close of business October 9, 2008, replacing Pamela Rose, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 9: BILL HARRIS, JEFF JACOBSON, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan

Kearney	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Stivers	Wachtmann	Wilson
Zurz			Harris-30.

So the Senate advised and consented to said appointments.

Message from the House of Representatives

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

**Sub. H. B. No. 157** - Representative Distel - et al.

Attest: Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the Senate recede from its amendments to **Sub. H. B. No. 157** - Representative Distel - et al..

The question being, "Shall the Senate recede from its amendments to **Sub. H. B. No. 157?**"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Stivers	Wachtmann
Wilson	Zurz		Harris-31.

So the Senate receded from it amendments.

The question being, "Shall the title be agreed to?"

Senator Jacobson moved to amend the title as follows:

Add the names: "Zurz, Grendell, Gardner, Harris, Niehaus, Mumper, Armbruster, Carey, Kearney, Cates, Dann, Prentiss, Fedor."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.



**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 143**-Representatives Willamowski, White, Raussen, Combs, Fessler, Kearns, Martin, Peterson, Reidelbach, Schneider, Seaver, Webster, Widowfield, Barrett, Beatty, Harwood, C. Evans, McGregor, Seitz, Gilb, Hood, Flowers, Driehaus, Blasdel, Carmichael, Brown, DeBose, Otterman, Mason, Allen, Blessing, Book, Carano, Cassell, Chandler, Core, DeGeeter, Domenick, Gibbs, Hartnett, Hughes, Key, Latta, Law, Miller, Oelslager, Sayre, Stewart, D., Taylor, Yuko Senator Gardner.

To amend sections 4715.02, 4715.30, 4715.39, 4715.51, 4715.52, 4715.53, 4715.57, and 4715.99, to enact sections 4715.231, 4715.61, 4715.62, 4715.63, 4715.64, 4715.65, and 4715.66, and to repeal sections 4715.54, 4715.55, and 4715.58 of the Revised Code to allow a dental hygienist under the supervision of a dentist to administer local anesthesia to a patient, to make changes to the law governing dental x-ray machine operators, to provide for the registration of expanded function dental auxiliaries, and to make changes in the composition of the State Dental Board, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 143**, pass?"

Senator Coughlin moved to amend as follows:

In line 15, delete "3715.64," and insert "4715.64,"

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 143**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Stivers	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coughlin moved to amend the title as follows:

Add the names: "Austria, Cates, Clancy, Coughlin, Mumper, Niehaus, Padgett, Roberts, Schuring, Armbruster, Schuler."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

### MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, January 15, 2006, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 255**-Senators Dann, Hagan, Miller, Zurz, Fedor, Roberts, Brady.

To enact sections 1349.60 to 1349.66 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report and a security alert in the consumer's credit report.

**S. B. No. 256**-Senator Brady.

To enact sections 5101.91, 5101.911, 5101.912, 5101.913, 5101.914, and 5101.915 of the Revised Code to require certain employers in this state who do not provide a specified amount of health care coverage to their employees to make contributions to a fund to be used to supplement this state's share of Medicaid costs.

### OFFERING OF RESOLUTIONS

Senator Schuring offered the following resolution:

**S. R. No. 152**-Senator Schuring.

Honoring the Mount Union College football team as the 2005 Division III National Champion.

The question being, "Shall the resolution, **S. R. No. 152**, be adopted?"

So the resolution was adopted.

Senator Jordan offered the following resolution:

**S. R. No. 153**-Senator Jordan.

Honoring the Bath High School boys golf team as the 2005 Division II State Champion.

The question being, "Shall the resolution, **S. R. No. 153**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Sub. H. B. No. 136** - Representative Gilb - et al.

Attest:

Laura P. Clemens,  
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Am. Sub. H. B. No. 251** - Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bulp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko

To amend sections 123.011, 125.09, and 125.11 and to enact section 3345.69 of the Revised Code to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must adopt and with which state agencies and public schools must comply unless they meet higher standards; require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; require the Department of Administrative Services to give preference to procuring

products and services that meet federal energy efficiency guidelines; and require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services.

**Sub. H. B. No. 98** - Representatives Setzer, Blessing, Kearns, Ujvagi, Otterman, Carano, Seaver, Uecker, Schaffer, Latta, Evans, D., Gilb, Hughes, Allen, Barrett, Book, Calvert, Carmichael, Cassell, Coley, Daniels, Domenick, Evans, C., Flowers, Hagan, McGregor, J., Oelslager, Schneider, Seitz, Smith, G., Wagoner, Webster, White, Widener, Widowfield, Willamowski

To amend section 2903.13 of the Revised Code to increase the penalty for assault when the victim is performing services in an emergency facility.

Attest: Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, January 19, 2006 at 11:00 o'clock a.m.

Attest: DAVID A. BATTOCLETTI,  
Clerk.